

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOE O'BRIEN,

Plaintiff,

v.

Case No. 2:13-cv-131
HON. R. ALLAN EDGAR

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On January 2, 2014, this Court dismissed plaintiff complaint for failure to state a claim. Plaintiff thereafter filed an appeal with the Sixth Circuit Court of Appeals. On October 17, 2014, the Sixth Circuit Court of Appeals issued an Order remanding the case to this Court for further proceedings. On December 3, 2014, this Court issued an Order for Service, requiring that plaintiff provide copies of his complaint for service on the defendants. On December 8, 2014, plaintiff's copy of the order was returned to this Court as undeliverable, indicating that plaintiff had been paroled and had left no forwarding address. A review of the Court docket reflects that plaintiff's address on file with the Sixth Circuit Court of Appeals is the same address on file with this Court. *See* Cover Letter, Docket #29. Plaintiff has failed to keep this Court apprised of his current address and appears to have abandoned the prosecution of this case. Therefore, it is recommended that plaintiff's complaint be dismissed in its entirety, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. *See Catz v.*

Chalker, 142 F.3d 279, 286 (6th Cir. 1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: January 12, 2015